

# BRITISH UNWRITTEN CONSTITUTION, ITS STRUCTURE






In the abstract meaning:

the constitution is a combination of laws, precedents and constitutional agreements.

In a specific meaning:

the constitution is a specific legal document or system of legal acts.

There is no constitution in the UK in this particular sense, but a constitution in the abstract sense of the term.



This is an unwritten constitution, which means the custom of the nation, expressed in organic law, compiled from acts of parliament, government practices, historical precedents and court decisions.”

Sydney Fisher 1862 American lawyer

## :Characteristic features of the constitution

1. one for the United Kingdom of England, Wales, Scotland and Northern Ireland
2. the British constitution is unwritten
3. is a flexible constitution

# :Sources of the British Constitution

1. Statutes
2. Judicial precedents
3. Constitutional agreements
4. Proceedings of reputable lawyers

# Statutes

1st category:

legal acts adopted before the XX century, but retaining their importance as a valid law:

- Magna Carta 1215
- Bill of Rights 1689;
- Alliance with Scotland Act 1706;.

# Statutes

## **2nd category**

- 1. Parliamentary laws adopted after the twentieth century:**
- 2. Parliament Acts 1911 and 1949;**
- 3. Peer Laws of 1958 and 1963;**
- 4. House of Commons Act 1978;**
- 5. Representation Acts of 1949, 1969, 1974, 1983, 1985, 1989;**
- 6. citizenship laws of 1948, 1964, 1981;**
- 7. immigration act 1971**

# Judicial precedents

. Judicial precedents containing the principles of constitutional law were created in the course of ordinary judicial practice.

Upon consideration of a specific case, the court makes a decision, part of which is the precedent rule.

For the most part, these are decisions of the High Court, the Court of Appeal and the House of Lords



## Proceedings of reputable lawyers as an additional source of the British constitution

The general rule is that popular books cannot influence court decisions.

But very old books by old authors, whose opinions are regarded as evidence of court decisions that have not reached our time, can be perceived by the courts as an additional source of law.

Among these books, the following are most influential: Hale's History of the Pleas of the Crown (1736), Hawkin's Pleas of the Crown (1716), Foster's Crown Cases (1762).

# Constitutional agreements

In the event that a contradiction arises between the constitutional agreement and the law, the court unconditionally applies the provision of the law.

Violation of the constitutional agreement does not entail legal, but political sanctions.

At the same time, a violation of the constitutional agreement is considered an act that violates the country's constitution.

# Constitutional agreements



## Monarch Regulatory Relations - Cabinet of Ministers

- the monarch instructs the leader of the party or bloc of parties that won the elections to the House of Commons to form a Government;
- the appointed ministers form the "Government", within which the "Cabinet" is created; it consists of ministers called members of the Privy Council ;
- the monarch is required to sign the bill passed by Parliament;



## Chambers of Parliament

- a parliamentary majority should not prevent a parliamentary minority from speaking out. The Speaker's duty is to keep track of this;
- vacancies in parliamentary committees should be proportional to the representation of political parties in the chamber

THANKS FOR YOUR  
ATTENTION

